

Dear Mr. Fanara:

While EPA Energy Star claims it is revising the Energy Star exit sign specifications to allow both electrical and non-electrical exit sign technologies to participate, the proposed specifications will continue to insure that only electrical exit signs will be eligible. What is most disturbing about this action is that the specifications used to accomplish this restriction are based on visibility safety characteristics.

Previous recommendations to EPA to defer to existing nationally recognized codes and standards for exit sign visibility safety standards, such as the National Fire Protection Association NFPA 101, Life Safety Code and Underwriters Laboratory UL 924, UL Standard for Safety for Emergency Lighting and Power Equipment, have not been accepted.

We do not understand why the EPA Energy Star Program, with a stated mission as a voluntary labeling program designed to identify and promote energy-efficient products, in order to reduce carbon dioxide emissions, is now getting into the business of establishing safety standards for exit signs, in addition to energy standards. We strongly suspect that some exit sign manufacturers, who currently have energy star labels, may be providing EPA with questionable facts and data in an effort to keep non-electrical exit signs from participating in the Energy Star Program.

We are not aware of any federal law or regulation that specifically authorizes the EPA to establish national safety standards for the visibility of exit signs.

We are, however, aware of a Memorandum from the Office of Management and Budget, dated February 10, 1998, referred to as Circular No. A-119, which establishes policies consistent with Section 12(d) of P.L. 104-113, the "National Technology Transfer and Advancement Act of 1995" to direct agencies to use voluntary consensus standards in lieu of government-unique standards except where inconsistent with law or otherwise impractical. The policies in the circular are intended to reduce to a minimum the reliance of agencies on government-unique standards.

NFPA 101, Life Safety Code and NFPA 5000, Building Construction and Safety Code are both voluntary ANSI accredited consensus codes and standards which both adopt Underwriters Laboratory UL 924, UL Standard for Safety for Emergency Lighting and Power Equipment. Therefore, it is our contention that the Visibility Characteristics specifications, both existing and the proposed modifications, are inconsistent with and contrary to Circular No. A-119.

Under our nation's constitution, it is the states responsibility to establish safety standards for the construction and renovation of buildings and structures. This is accomplished through the lawful adoption of nationally recognized codes and standards as are developed and published by the National Fire Protection Association (NFPA), the International Code Congress (International Conference of Building Officials ICBO, Building Officials and Code Administrators International BOCA, Southern Building Code Congress International SBCCI), and Underwriters

Laboratories (UL).

All exit signs installed in all buildings in all states are already required to meet minimum safety performance requirements and standards as established by the building and fire officials of each and every state.

We respectfully request that the EPA Energy Star Program remove all specifications for visibility characteristics and defer this to the states building and fire officials and the model consensus codes and standards they lawfully adopt.

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